

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JESSE B. TUCKER,

Plaintiff,

v.

CHIEF RONAL SERPAS, et al.,

Defendants.

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No. 3:08-00522
JUDGE HAYNES

ORDER

The plaintiff, an inmate in the Southeastern Tennessee State Regional Correctional Facility in Pikeville, Tennessee, has filed a notice of appeal (Docket Entry No. 64) challenging the Court's March 11, 2010 Order that dismissed this action (Docket Entry No. 61). Mr. Tucker has not submitted the full appellate filing fee or an application to proceed *in forma pauperis*.

To prosecute a civil appeal, a prisoner-plaintiff must file a timely notice of appeal accompanied by either the full appellate filing fee, or an application to proceed *in forma pauperis* with a certified copy of his trust fund account statement. 28 U.S.C. § 1915(a). The plaintiff has submitted neither the full appellate filing fee, nor the required documentation to proceed on appeal *in forma pauperis*.

The plaintiff shall submit to the Clerk of Court within 30 days from the date of entry of this Order, either the full appellate filing fee of four hundred fifty-five dollars (\$455.00), or an application to proceed *in forma pauperis* in lieu thereof. If the entire filing fee is not paid or the appropriate indigency papers are not filed within the designated 30-day period, the Court of Appeals may dismiss the appeal under Rule 3(a), Fed. R. App. P. for failure to prosecute, and this Court still will assess the full filing fee. If dismissed under such circumstances, the appeal will not be


reinstated despite payment of the full filing fee or subsequent correction of any documentary deficiency. *See McGore v. Wigglesworth*, 114 F.3d 601, 609-10 (6th Cir. 1997), *overruled on other grounds by Jones v. Bock*, 549 U.S. 199 (2007).

An extension of time to pay the appellate filing fee, or to file the appropriate documentation for pauper status, may be requested from this court if filed within 30 days from the date of entry of this Order. *Floyd v. United States Postal Service*, 105 F.3d 274, 279 (6th Cir. 1997).

The Clerk is directed to forward a copy of this Order to the Clerk of Court for the Sixth Circuit Court of Appeals.

It is so **ORDERED**.

ENTERED this the 30th day of April, 2010.


William J. Haynes, Jr.
United States District Judge